

PCT

NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

W BK

KEZER, William, B.
 Townsend and Townsend and Crew LLP
 Two Embarcadero Center
 Eighth Floor
 San Francisco, CA 94111-3834
 ETATS-UNIS D'AMERIQUE

RECEIVED
2004
2004

Date of mailing (day/month/year)
 13 May 2004 (13.05.2004)

Applicant's or agent's file reference
 20891-15-1PC

IMPORTANT NOTICE

International application No.
 PCT/US2003/033617 ✓

International filing date (day/month/year)
 24 October 2003 (24.10.2003) ✓

Priority date (day/month/year)
 25 October 2002 (25.10.2002) ✓

Applicant

GENESOFT PHARMACEUTICALS, INC. et al ✓

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 13 May 2004 (13.05.2004) under No. WO 2004/039318

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a **demand for international preliminary examination**, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

DOCKETED BY CJW

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Authorized officer

Simin Baharlou

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 71 30

PCT

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

From the INTERNATIONAL BUREAU

To:

020891-001510PC

KEZER, William, B.

Townsend and Townsend and Crew LLP, LLP

Two Embarcadero Center

Eighth Floor

San Francisco, CA 94111-3834

ETATS-UNIS D'AMERIQUE

AUG 31 2004

APR

Date of mailing (day/month/year)

19 August 2004 (19.08.2004)

Applicant's or agent's file reference

20891-15-1PC

IMPORTANT INFORMATION

International application No.

PCT/US2003/033617

International filing date (day/month/year)

24 October 2003 (24.10.2003)

Priority date (day/month/year)

25 October 2002 (25.10.2002)

Applicant

GENESOFT PHARMACEUTICALS, INC. et al

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

EP: AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR
National: BG, CA, CN, CZ, DE, JP, KP, KR, MN, NO, PL, RO, RU, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

AP: GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW

EA: AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

OA: BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG

National: AE, AG, AL, AM, AT, AU, AZ, BA, BB, BR, BY, BZ, CH, CO, CR, CU, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MW, MX, MZ, NI, NZ, OM, PG, PH, PT, SC, SD, SE, SG, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

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3. The applicant is reminded that he must enter the "national phase" **before the expiration of 30 months from the priority date** before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1) (a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3) (b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into European regional phase is postponed **until 31 months from the priority date** for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Authorized officer

Simin Baharlou

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 71 30

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PATENT COOPERATION TREATY

PCT

NOTIFICATION RELATING TO
DECLARATION MADE UNDER PCT RULE 4.17(PCT Rules 26ter.2(b), 47.1(a-ter) and 48.2(a)(x)
and Administrative Instructions, Section 419)

020891-001510PC

From the INTERNATIONAL BUREAU

To:

KEZER, William, B.
 Townsend and Townsend and Crew LLP
 Two Embarcadero Center
 Eighth Floor
 San Francisco, CA 94111-3834
 ETATS-UNIS D'AMERIQUE

APR 2005

Date of mailing (day/month/year) 15 April 2004 (15.04.2004)	
Applicant's or agent's file reference 20891-15-1PC	IMPORTANT NOTIFICATION
International application No. PCT/US2003/033617	International filing date (day/month/year) 24 October 2003 (24.10.2003)
Applicant GENESOFT PHARMACEUTICALS, INC.	

1. The applicant is hereby **notified** of the following regarding the declaration indicated below in respect of (name(s) indicated in the declaration) JONES Peter and BURLI Roland
 - declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211)
 - declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212)
 - declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213)
 - declaration of inventorship (for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214)
 - declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215)
2. **Addition or correction of the declaration within the time limit under Rule 26ter.1.**
 The added or corrected declaration was received on (date), 22 MAR 2004 (22.03.04) which was received within the time limit under Rule 26ter.1.
 Any declaration referred to under items 1(i) to (iv) whether or not the declaration complies with Rule 4.17, will be communicated to the designated Offices concerned pursuant to Rule 47.1(a-ter) and any declaration referred to under item 1(v) will be published as part of the pamphlet pursuant to Rule 48.2(a)(x).
3. **Failure to add or correct the declaration within the time limit under Rule 26ter.1.**
 The declaration, was received on (date) _____, which was after the expiration of the time limit under Rule 26ter.1; therefore, any such declaration referred to under items 1(i) to (iv) will **not** be communicated to the designated Offices concerned, any such declaration referred to under item 1(v) will not be published as part of the pamphlet, and any signed declaration referred to under item 1(iv) is attached. **Such declaration should be submitted by the applicant directly to the designated Offices concerned.**
4. The applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.
5. A copy of this notification is being sent to the receiving Office and the International Searching Authority.

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.71.30

Authorized officer

SUAREZ Javier (Fax 338-71-30)

Telephone No. (41-22) 338.80.58

Correct repeat in back of page of Atty
 PREVIOUSLY UNDOCKETED Ctr

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PCT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION RELATING TO
DECLARATION MADE UNDER PCT RULE 4.17(PCT Rules 26ter.2(b), 47.1(a-ter) and 48.2(a)(x)
and Administrative Instructions, Section 419)

020891-001510PC

APR 2005

Date of mailing (day/month/year) 06 May 2004 (06.05.2004)	
Applicant's or agent's file reference 20891-15-1PC	IMPORTANT NOTIFICATION
International application No. PCT/US2003/033617	International filing date (day/month/year) 24 October 2003 (24.10.2003)
Applicant GENESOFT PHARMACEUTICALS, INC.	

1. The applicant is hereby **notified** of the following regarding the declaration indicated below in respect of (name(s) indicated in the declaration) _____:
 - declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211)
 - declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212)
 - declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213)
 - declaration of inventorship (for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214)
 - declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215)
2. **Addition or correction of the declaration within the time limit under Rule 26ter.1.**
The added or corrected declaration was received on (date), 07 April 2004 (07.04.04) which was received within the time limit under Rule 26ter.1.
Any declaration referred to under items 1(i) to (iv) whether or not the declaration complies with Rule 4.17, will be communicated to the designated Offices concerned pursuant to Rule 47.1(a-ter) and any declaration referred to under item 1(v) will be published as part of the pamphlet pursuant to Rule 48.2(a)(x).
3. **Failure to add or correct the declaration within the time limit under Rule 26ter.1.**
The declaration, was received on (date) _____, which was after the expiration of the time limit under Rule 26ter.1; therefore, any such declaration referred to under items 1(i) to (iv) will not be communicated to the designated Offices concerned, any such declaration referred to under item 1(v) will not be published as part of the pamphlet, and any signed declaration referred to under item 1(iv) is attached. Such declaration should be submitted by the applicant directly to the designated Offices concerned.
4. The applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.
5. A copy of this notification is being sent to the receiving Office and the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.71.30	Authorized officer R. Meach (Fax 338-71-30) Telephone No. (41-22) 338.92.66
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2-25-04

Correct Defects in seal
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